

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

EDWARD CAPERS

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Criminal No. CCB-10-0056

Civil No. CCB-16-1829

MEMORANDUM


Edward Capers has filed a motion under 28 U.S.C. § 2255 challenging his sentence imposed under the career offender guidelines. The government has filed a response to which Capers has not filed a reply.

The ground for the § 2255 motion is that Capers is not a career offender, because his prior convictions no longer qualify as career offender “crimes of violence” pursuant to the holding of the Supreme Court in *Johnson v. United States*, 135 S. Ct. 2551 (2015). However, in *Beckles v. United States*, 137 S. Ct. 886, 895 (2017), the Supreme Court held that the advisory Guidelines are not subject to a vagueness challenge under the Due Process Clause. Johnson does not apply. Thus, Caper’s claims must be denied. No certificate of appealability will be issued.

A separate order follows.

Date: _____

4/5/18



Catherine C. Blake
United States District Judge